



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: December 3, 2008

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action – N/A

A. Call to Order / Roll call

B. Invocation – Rod Suess, Vinewood Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards

a) Presentation of Mayor's Community Service Awards

D-2 Proclamations – None

D-3 Presentations – None

E. Consent Calendar (Reading; Comments by the Public; Council Action)

E-1 Receive Register of Claims in the Amount of \$6,820,929.86 (FIN)

E-2 Approve Minutes (CLK)

a) November 18, 2008 (Shirtsleeve Session)

b) November 19, 2008 (Regular Meeting)

c) November 25, 2008 (Shirtsleeve Session)

E-3 Accept Park Bench and Plaque Donation from Susan Brennan in Honor of Bud Reller (PR)

Res. E-4 Adopt Resolution Awarding Transformer Testing Services at McLane Substation to Waukesha Electric Systems, Inc., of Waukesha, Wisconsin (\$25,670), and Authorizing the City Manager to Approve Change Orders for Any Needed Repairs (EUD)

Res. E-5 Adopt Resolution Ratifying Employment Agreement Entered into between City Manager Blair King and Deputy City Manager/Internal Services Director Jordan V. Ayers (CM)

F. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on Non-Agenda Items

H. Comments by the City Manager on Non-Agenda Items

I. Public Hearings – None

J. Communications

J-1 Claims Filed Against the City of Lodi – None

J-2 Appointments

a) Appointment to the Lodi Arts Commission: Kathi Medford (CLK)

b) Post for One Vacancy on the Lodi Improvement Committee (CLK)

J-3 Miscellaneous – None

K. Regular Calendar – None

L. Ordinances – None

M. Reorganization of the City Council

Res. M-1 Resolution Certifying the Election Results of the November 4, 2008, General Municipal Election

M-2 Presentation to Outgoing Mayor

M-3 City Clerk to Administer the Oath of Office to Lodi City Council Members Elect and Present Certificates of Election

M-4 Reorganization of the Lodi City Council

Res. a) Election of Mayor

Res. b) Election of Mayor Pro Tempore

N. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Mayor's Community Service Awards

MEETING DATE: December 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Mounce to present the Mayor's Community Service Awards to Virginia Snyder and the Lodi Community Band.

BACKGROUND INFORMATION: Mayor Mounce has selected the following recipients to receive the prestigious Mayor's Community Service Award for 2008:

- Virginia Snyder for her continued dedication and efforts in working with the residents of this community on issues dealing with neighborhood enhancement and improvement and in working with the homeless; and
- Members of the Lodi Community Band for their outstanding performances throughout the year that continue to benefit and are greatly enjoyed by the community.

FUNDING: None required.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated November 6, 2008 and November 13, 2008 in the Total Amount of \$6,820,929.86

MEETING DATE: December 3, 2008

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$6,820,929.86.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$6,820,929.86 dated 11/06/08 and 11/13/08. Also attached is Payroll in the amount of \$1,438,405.23.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable Council Report			Page Date	- - 11/19/08
As of Thursday	Fund	Name	Amount	
11/06/08	00100	General Fund	482,183.50	
	00160	Electric Utility Fund	3,052,904.84	
	00170	Waste Water Utility Fund	26,854.04	
	00171	Waste Wtr Util-Capital Outlay	8,726.29	
	00172	Waste Water Capital Reserve	468,487.61	
	00180	Water Utility Fund	26,948.60	
	00181	Water Utility-Capital Outlay	2,692.34	
	00210	Library Fund	2,444.63	
	00211	Library Capital Account	8,528.00	
	00260	Internal Service/Equip Maint	29,623.62	
	00270	Employee Benefits	11,246.66	
	00300	General Liabilities	310.00	
	00310	Worker's Comp Insurance	28,063.03	
	00321	Gas Tax	11,377.11	
	00340	Comm Dev Special Rev Fund	8,071.78	
	00345	Community Center	4,209.29	
	00346	Parks & Recreation	527.44	
	00459	H U D	41.84	
	00502	L&L Dist Z1-Almond Estates	429.00	
	00503	L&L Dist Z2-Century Meadows I	273.00	
	00506	L&L Dist Z5-Legacy I,II,Kirst	706.33	
	00507	L&L Dist Z6-The Villas	593.67	
	00509	L&L Dist Z8-Vintage Oaks	229.67	
	01211	Capital Outlay/General Fund	10.44	
	01212	Parks & Rec Capital	140.03	
	01250	Dial-a-Ride/Transportation	19,432.29	
	01410	Expendable Trust	16,486.83	
Sum			4,211,541.88	
	00190	Central Plume	9,886.74	
Sum			9,886.74	
Total for Week				
Sum			4,221,428.62	

Accounts Payable Council Report			Page Date	- - 11/19/08
As of Thursday	Fund	Name	Amount	
11/13/08	00100	General Fund	422,067.47	
	00160	Electric Utility Fund	30,891.49	
	00161	Utility Outlay Reserve Fund	1,958.00	
	00164	Public Benefits Fund	22,370.00	
	00166	Solar Surcharge Fund	77,199.12	
	00170	Waste Water Utility Fund	161,563.29	
	00172	Waste Water Capital Reserve	7,027.35	
	00173	IMF Wastewater Facilities	1,238.58	
	00180	Water Utility Fund	9,708.31	
	00181	Water Utility-Capital Outlay	169,757.53	
	00182	IMF Water Facilities	7,630.95	
	00210	Library Fund	14,912.87	
	00260	Internal Service/Equip Maint	32,823.55	
	00270	Employee Benefits	436,284.07	
	00321	Gas Tax	20,605.16	
	00325	Measure K Funds	25,091.63	
	00326	IMF Storm Facilities	43,740.00	
	00340	Comm Dev Special Rev Fund	4,236.51	
	00345	Community Center	16,680.94	
	00346	Parks & Recreation	2,363.18	
	00502	L&L Dist Z1-Almond Estates	321.75	
	00503	L&L Dist Z2-Century Meadows I	204.75	
	00506	L&L Dist Z5-Legacy I,II,Kirst	529.75	
	00507	L&L Dist Z6-The Villas	445.25	
	00509	L&L Dist Z8-Vintage Oaks	172.25	
	01211	Capital Outlay/General Fund	113,434.57	
	01212	Parks & Rec Capital	75,775.77	
	01218	IMF General Facilities-Adm	1,200.00	
	01241	LTF-Pedestrian/Bike	3,670.00	
	01250	Dial-a-Ride/Transportation	784,071.81	
	01410	Expendable Trust	26,555.93	
Sum			2,514,531.83	
	00184	Water PCE-TCE-Settlements	84,969.41	
Sum			84,969.41	
Total for Week				
Sum			2,599,501.24	

Council Report for Payroll

Page - 1
Date 11/19/08

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	11/02/08	00100	General Fund	981,510.36
		00160	Electric Utility Fund	148,799.43
		00164	Public Benefits Fund	5,388.93
		00170	Waste Water Utility Fund	91,022.77
		00180	Water Utility Fund	419.46
		00210	Library Fund	32,091.81
		00235	LPD-Public Safety Prog AB 1913	2,465.42
		00260	Internal Service/Equip Maint	21,100.91
		00321	Gas Tax	54,581.31
		00340	Comm Dev Special Rev Fund	26,256.24
		00345	Community Center	27,875.92
		00346	Parks & Recreation	40,715.35
		01250	Dial-a-Ride/Transportation	6,177.32

Pay Period Total:

Sum

1,438,405.23



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) November 18, 2008 (Shirtsleeve Session)
b) November 19, 2008 (Regular Meeting)
c) November 25, 2008 (Shirtsleeve Session)

MEETING DATE: December 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) November 18, 2008 (Shirtsleeve Session)
b) November 19, 2008 (Regular Meeting)
c) November 25, 2008 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through C.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 18, 2008**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 18, 2008, commencing at 7:00 a.m.

Present: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson, and Mayor Mounce

Absent: Council Member Katzakian

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Neighborhood Stabilization Program (CD)

City Manager King briefly introduced the subject matter of the neighborhood stabilization program.

Community Improvement Manager Joseph Wood provided a PowerPoint presentation regarding the neighborhood stabilization program. Specific topics of discussion included the Housing and Economic Recovery Act of 2008, funding to State and local jurisdictions, San Joaquin County distribution, State Department of Housing and Community Development (HCD) distribution to San Joaquin County, the City's set aside, challenges, program implementation, and preserving affordability.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated Department of Housing and Urban Development (HUD) applies the formula after reviewing area data for foreclosures and delinquencies. Mr. Wood stated if the area does not meet the \$2 million threshold it would not receive an allocation.

In response to Mayor Mounce, Mr. Wood stated if an agency does not meet federal thresholds it must rely on funding from the State. Mr. Wood stated San Joaquin meets the criteria for federal and State funding and the funding goes from HUD to the County and then to the cities.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated the State will be providing approximately \$800,000 in additional funds for underserved areas based upon the same guidelines as the federal funding.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated the time frame for the expenditure is 18 months to obligate the first initial allocation.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated the funding cannot be applied to affordable housing because a key element is vacant or foreclosed property.

In response to Council Member Hitchcock, Mr. Wood confirmed that someone in the very low income will likely not qualify for the funds. He stated the City will reach out to affordable housing non-profit developers and will look for foreclosed properties to see if there are any multi-family types of structures.

In response to Mayor Mounce, Mr. Wood stated that, based on a recent County proposal for

affordable housing projects, there are approximately four viable developers serving the general area.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated there should not be any problems using the funding, as the City does not acquire the properties itself, and as long as developers are involved and follow through. Mr. Wood stated the money should be able to move; although, there may be some challenges with the requirement that the properties are purchased for less than 5% of the appraised value and collectively there is a 10% to 15% aggregate value below appraised values to meet.

In response to Mayor Mounce, Mr. Wood stated the Technical Advisory Committee for the County has the ability to follow through on funding and property acquisition with banks and developers within whom they are familiar.

In response to Mayor Mounce, Mr. Wood stated the City will play a key role in identifying properties for eligibility and getting local providers, such as the Salvation Army and Loel Center, to bring options to the table.

In response to Council Member Hitchcock, Mr. Wood stated that staff time spent on administering the program will be charged to the program as allowed for administrative costs and will be similar to that of the Block Grant program.

Discussion ensued between Mayor Mounce, Council Member Hitchcock, and Mr. Wood regarding the process associated with acquiring property, rehabilitation, turn over to an agency such as Loel Center, and the revolving nature of the funds to keep the program going by regenerating funds.

In response to Mayor Pro Tempore Hansen, Mr. Wood confirmed that individuals will still have to go out and qualify through a bank for primary mortgages and the program will simply assist them with additional funding.

In response to Mayor Pro Tempore Hansen, Mr. King stated the 5% requirement set forth by the lawmakers in Washington DC was an effort to get the most value for the dollar by implementing restrictions that would minimize the ability to make a profit off such programs and development.

In response to Myrna Wetzel, Mr. Wood stated the subject properties must be strictly residential in nature or vacant lots that are foreclosed.

In response to Council Member Johnson, Mr. Wood stated Manteca and Tracy receive direct allocation from HCD and are therefore not listed on the County list.

In response to Council Member Hitchcock, Mr. Wood stated the map presented does reflect the foreclosed properties in the City of Lodi.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated the area designation currently is limited to the 95240 zip code but can be amended later as necessary to include 95242.

In response to Council Member Johnson, Mr. Wood stated the program may apply to Habitat for Humanity; although, there may be some concern with fund expenditure in a timely manner since their projects generally take a bit longer.

In response to Council Member Johnson, Mr. Wood stated at the current time there has not been an opportunity to receive pro bono appraisals.

In response to Mayor Pro Tempore Hansen, Mr. Wood confirmed that the program providers did not want there to be misuse of the program or profit making. He stated the intent is to keep property affordable and on the grids in a revolving manner.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:54 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 19, 2008**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 19, 2008, was called to order by Mayor Mounce at 5:30 p.m.

Present: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson, Mayor Mounce, and Council Member Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Lodi City Mid-Management Association and Association of Lodi City Employees Regarding General Services and Maintenance & Operators Pursuant to Government Code §54957.6
- b) Conference with Blair King, City Manager (Labor Negotiator), Regarding Unrepresented Executive Management - Deputy City Manager/Internal Services Director - Pursuant to Government Code §54957.6
- c) Prospective Sale of Real Property located at 217 East Lockeford Street, Lodi, California (APN #041-220-02); the Negotiating Parties are City of Lodi and R. Wayne Craig, Agent for Buyers Eagles Lodge of Lodi; Government Code §54956.8

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:02 p.m., Mayor Mounce reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), negotiating direction was given to Human Resources Manager Dean Gualco with respect to the General Services and Maintenance and Operators unit.

In regard to Item C-2 (b), negotiating direction was given to City Manager King with respect to the Deputy City Manager position.

In regard to Item C-2 (c), negotiating direction was given to Fire Chief Pretz with respect to an offer to purchase property by the Eagle Lodge.

A. Call to Order / Roll call

The Regular City Council meeting of November 19, 2008, was called to order by Mayor Mounce at 7:02 p.m.

Present: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson,

Mayor Mounce, and Council Member Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Invocation - Reverend David Hill, Grace Presbyterian Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards - None

D-2 Proclamations - None

D-3 Presentations

a) Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Josh Gums and Beau Benko, members of the Greater Lodi Area Youth Commission, gave an update on the activities and accomplishments of the Youth Commission.

b) Presentation by Hospice of San Joaquin Regarding 2008 Tree of Lights

Carolyn Gomes, Annual Gifts & Events Coordinator for Hospice of San Joaquin, gave a presentation regarding the 2008 Hospice Tree Lighting in the City of Lodi.

E. Consent Calendar (Reading: Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson, Mayor Mounce, and Council Member Katzakian

Noes: None

Absent: None

E-1 Receive Register of Claims in the Amount of \$1,921,165.05 (FIN)

Claims were approved in the amount of \$1,921,165.05.

E-2 Approve Minutes (CLK)

The minutes of November 4, 2008 (Shirtsleeve Session), November 5, 2008 (Regular Meeting), and November 11, 2008 (Shirtsleeve Session) were approved as written.

E-3 Receive Quarterly Report of Purchases between \$5,000 and \$20,000 (CM)

Received the quarterly report of purchases between \$5,000 and \$20,000 in accordance with Lodi Municipal Code §2.12.060.

E-4 Approve the City of Lodi Annual Investment Policy and Internal Control Guidelines (CM)

Approved the City of Lodi annual investment policy and internal control guidelines.

- E-5 Approve Issuance of Request for Proposals for Investment Portfolio Management Services (CM)

Approved the issuance of request for proposals for investment portfolio management services.

- E-6 Approve Plans and Specifications and Authorize Advertisement for Bids for the North Pool Deck Improvements at Blakely Park-Enze/Field Pool Complex, 1050 South Stockton Street (PR)

Approved the plans and specifications and authorized advertisement for bids for the north pool deck improvements at Blakely Park-Enze/Field Pool Complex, 1050 South Stockton Street.

- E-7 Approve Plans and Specifications and Authorize Advertisement for Bids for Sacramento Street Water Main Installation, Lodi Avenue to Alley South of Lodi Avenue, Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Sacramento Street Water Main Installation, Lodi Avenue to Alley South of Lodi Avenue, Project.

- E-8 Adopt Resolution Awarding Contract for Maintenance of Landscape Areas for 2009 to Creative Outdoor Environments, of Lathrop, for Group A (\$62,144) and Odyssey Companies, of Stockton, for Groups B and C (\$147,700) for an Annual Cost of \$209,844 (PW)

Adopted Resolution No. 2008-217 awarding the contract for Maintenance of Landscape Areas for 2009 to Creative Outdoor Environments, of Lathrop, for Group A, in the amount of \$62,143.92, and Odyssey Companies, of Stockton, for Groups B and C, in the amount of \$147,699.96, for an annual cost of \$209,843.88.

- E-9 Adopt Resolution Awarding Contract for the Installation of Automated Residential Electric Meters to Republic Intelligent Transportation Services, Inc., of Novato, CA (\$88,068) (EUD)

Adopted Resolution No. 2008-218 awarding the contract for the installation of automated residential electric meters to Republic Intelligent Transportation Services, Inc., of Novato, CA, in the amount of \$88,068.

- E-10 Report on Contract Change Orders for White Slough Water Pollution Control Facility Phase 3 Improvements Project 2007 (PW)

Received report on Contract Change Orders for White Slough Water Pollution Control Facility Phase 3 Improvements Project 2007.

- E-11 Report on Contract Change Orders for DeBenedetti Park/G Basin Rough Grading (PW)

Received report on Contract Change Orders for DeBenedetti Park/G Basin Rough Grading.

- E-12 Report on Contract Change Order for Lodi Lake Boathouse/Discovery Center Improvements, 1101 West Turner Road (PR)

Received report on Contract Change Order for Lodi Lake Boathouse/Discovery Center Improvements, 1101 West Turner Road.

- E-13 Adopt Resolution Accepting Improvements at 416, 500, and 540 South Sacramento Street and Appropriating Funds for Required Reimbursements (\$122,298) (PW)

Adopted Resolution No. 2008-219 accepting the improvements at 416, 500, and 540 South Sacramento Street and appropriating funds for the required reimbursements in the amount of \$122,298.

- E-14 Adopt Resolution Authorizing the City Manager to Execute Master Agreement for Wastewater Flow Monitoring Study with V&A, of Oakland (\$40,000), Approving Task Order, and Appropriating Funds (\$23,000) (PW)

Adopted Resolution No. 2008-220 authorizing the City Manager to execute a master agreement for Wastewater Flow Monitoring Study with V&A, of Oakland, in the amount of \$40,000, approving Task Order, and appropriating funds in the amount of \$23,000.

- E-15 Adopt Resolution Authorizing the City Manager to Execute Storm Water Treatment Device Access and Maintenance Agreements (PW)

Adopted Resolution No. 2008-221 authorizing the City Manager to execute Storm Water Treatment Device Access and Maintenance Agreements required by the Storm Water Development Standard Plans on behalf of the City.

- E-16 Adopt Resolution Authorizing the City Manager to Execute Lease Agreement for Temporary Library Facilities at 212 West Pine Street (CA)

Adopted Resolution No. 2008-222 authorizing the City Manager to execute a lease agreement between Beckman Capitol Corporation and the City of Lodi for the temporary relocation of the Lodi Library at 212 West Pine Street during construction.

- E-17 Adopt Resolution Approving Reallocation of Community Development Block Grant Funds to Graffiti Abatement Program (CD)

Adopted Resolution No. 2008-223 approving the reallocation of Community Development Block Grant funds to the Graffiti Abatement Program.

- E-18 Adopt Resolution Approving Application to San Joaquin Council of Governments for Proposition 1B and State Transit Assistance Program Funds and Authorizing Transportation Manager to Submit All Necessary Paperwork (PW)

Adopted Resolution No. 2008-224 approving application to San Joaquin Council of Governments for Proposition 1B and State Transit Assistance Program funds and authorizing the Transportation Manager to submit all necessary paperwork.

- E-19 Adopt Resolutions Pertaining to the March 3, 2009, Special Municipal Election Relating to Ordinance 1812 Approving and Adopting the Redevelopment Plan for the Lodi Community Improvement Project (CLK):

Adopted the following resolutions pertaining to the March 3, 2009, Special Municipal Election relating to Ordinance 1812 approving and adopting the Redevelopment Plan for the Lodi Community Improvement Project:

Resolution No. 2008-225 approving entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services;

Resolution No. 2008-226 setting priorities for filing written arguments and directing the City Attorney to prepare an impartial analysis; and

Resolution No. 2008-227 providing for the filing of rebuttal arguments.

E-20 Adopt Resolution Appointing Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer, as Director; Julia M. Tyack, Transportation Planner, as Alternate; and Janet Hamilton, Management Analyst/Risk Manager, as Alternate to the Board of Directors of the California Transit Insurance Pool (PW)

Adopted Resolution No. 2008-228 appointing Transportation Manager as Director and Transportation Planner and Risk Manager as Alternates to the board of directors of the California Transit Insurance Pool.

E-21 Adopt Resolution of Intention to Expand the Lodi Tourism Business Improvement District and Set Public Hearing for December 17, 2008 (CA)

Adopted Resolution No. 2008-229 of Intention to expand the Lodi Tourism Business Improvement District and set public meeting for December 17, 2008, and public hearing for January 21, 2009.

E-22 Adopt Resolution Awarding Contract for Lodi Public Library Entry Project to SW Allen Construction, Inc., of Sacramento (\$37,244.75) (PW)

Adopted Resolution No. 2008-230 awarding the contract for Lodi Public Library Entry Project to SW Allen Construction, Inc., of Sacramento, in the amount of \$37,244.75.

F. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.
The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Jane Lea spoke in opposition to Measure W on the ballot for the March 3, 2009, Special Election based on her concerns regarding lack of specifics in the plan and possible mismanagement of funds.

Jerry Glenn, representing the Lodi Adopt-A-Child, spoke regarding the organization's mission to help needy children around the holidays and throughout the year. He asked members of the public and Council to participate in the annual program by providing monetary assistance or donations as listed on the cards. Mr. Glenn also invited all to the Lodi Adopt-A-Child's December 20 Christmas Open House.

Pat Patrick spoke in favor of Measure W on the ballot for the March 3, 2009, Special Election based on the possibility of additional revenues that will remain in the City for local services.

G. Comments by the City Council Members on Non-Agenda Items

Council Member Johnson spoke in favor of Measure W on the ballot for the March 3, 2009,

Special Election and encouraged citizens to do their own research to make an informed decision.

Mayor Pro Tempore Hansen encouraged participation in the Lodi Adopt-A-Child program. Mr. Hansen also reported on his attendance at the San Joaquin Council of Governments meeting and specially discussed sales tax reductions, Measure K dollars and project delays, and the County's good fortune to have received more transportation dollars than surrounding counties.

Mayor Mounce, as President of the Central Valley Division of the League of California Cities, stated she will be attending training and commended the Youth Commission for its ongoing efforts and events.

Council Member Hitchcock spoke in favor of Measure W on the ballot for the March 3, 2009, Special Election and encouraged the citizens to investigate the subject matter themselves to make an informed decision.

H. Comments by the City Manager on Non-Agenda Items

None.

I. Public Hearings

I-1 Public Hearing to Consider Unmet Transit Needs in the City of Lodi (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mounce called for the public hearing to consider unmet transit needs in the City of Lodi.

City Manager King briefly introduced the subject matter of the public hearing to consider unmet transit needs in the City.

Paula Fernandez, Traffic Engineer, provided a presentation regarding the unmet transit needs of the City. She specifically discussed the public hearing and adoption process.

In response to Council Member Hitchcock, Anthony Zapatas, representative from San Joaquin Council of Governments, stated one comment was received in response to the survey. Mr. Zapatas stated the response requested Monday through Friday service from Lodi to the ACE train and that service is already available.

There was no specific action taken on this matter.

J. Communications

J-1 Claims Filed Against the City of Lodi - None

J-2 Appointments

a) Post for Expiring Terms and Vacancies on the Lodi Animal Advisory Commission, Senior Citizens Commission, and Recreation Commission (CLK)

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to direct the City Clerk to post for expiring terms and vacancies on the Lodi Animal Advisory Commission, Senior Citizens Commission, and Recreation Commission as shown below:

Lodi Animal Advisory Commission

Linda Castelanelli, Term to expire December 31, 2008
Shara Guerrette, Term to expire December 31, 2008
Christy Morgan, Term to expire December 31, 2010

Lodi Senior Citizens Commission

Judy Bader, Term to expire December 31, 2008

Recreation Commission

David Akin, Term to expire December 31, 2008
Larry Long, Term to expire December 31, 2008

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson,
Mayor Mounce, and Council Member Katzakian

Noes: None

Absent: None

J-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

Mayor Pro Tempore Hansen made a motion, second by Council Member Katzakian, to approve the cumulative Monthly Protocol Account Report through October 31, 2008.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson,
Mayor Mounce, and Council Member Katzakian

Noes: None

Absent: None

K. Regular Calendar

K-1 Consider Financially Underwriting the County of San Joaquin's Development of an Armstrong Road Agricultural/Cluster Zoning Classification to Promote a Buffer Area between the Cities of Lodi and Stockton (CM)

City Manager King briefly introduced the subject matter of underwriting the San Joaquin County development of an Armstrong Road agricultural/cluster zoning classification. Mr. King discussed the previous efforts by the City, County, and property owners to effectuate an agricultural/cluster zoning area and preserving open space in the subject area between the cities of Lodi and Stockton. He stated the funding consideration is for approximately \$500,000. He also discussed specifics regarding the need for preparation of environmental documentation and the County's proposal regarding the same. Mr. King stated \$300,000 could come from the general fund and \$200,000 could come from general government impact fee program associated with the general plan, which could borrow from street fund because there is not a call for that amount in the near future in that fund.

In response to Council Member Hitchcock, Mr. King stated the money was not previously set aside because it was hoped that less than the suggested amount would be needed. Mr. King stated what is being talked about now is a complete specific plan package to be completed in an 18-month period.

In response to Council Member Hitchcock, Mr. King stated the City Council can provide input and pay for what the County recommends as the County would be the direct client of the consultant. Mr. King stated there is an expectation that the City is willing to expose itself to the highest \$500,000 amount even though there may be efforts to save costs and reduce that amount.

In response to Mayor Pro Tempore Hansen, City Attorney Schwabauer stated the current report would only cover the proposed subject areas as it is a specific plan for a specific area. Mr. Schwabauer stated other areas in the County would need their own specific plan; although, the current plan may save costs if it is used as a model for the other areas.

In response to Mayor Pro Tempore Hansen, Mr. Schwabauer confirmed the County could use this as a model for additional areas in the County through their General Plan.

Steve Herum, representative of the Armstrong Road property owners, stated he agreed with the City Manager's comments as the proposed plan is a compromise between all three parties allowing separation without taking away property rights and saving money.

In response to Mayor Pro Tempore Hansen, Mr. Herum stated his clients had more formal meetings with the County directly. Mr. Herum stated that, based on his conversations with the County, he is confident that there is a sense of reasonableness and final resolution and the proposal will be well received by the County.

In response to Mayor Pro Tempore Hansen, Mr. Herum stated the 18-month period for the General Plan amendment process allows some extra time if something goes wrong and he is hopeful that it will be completed prior to that time.

In response to Council Member Johnson, Mr. Herum stated it is difficult to predict an exact timeline for a General Plan update; although, generally speaking it can take anywhere from three to six years. Mr. Herum stated the community meetings for the San Joaquin General Plan update have been scheduled.

Pat Stockar spoke in favor of the proposal, stating it was a good consensus among the stakeholders and may be used as a model for other communities in the County.

Bruce Fry spoke in favor of the proposal, stating it is a good way to preserve agriculture as a business.

Richard Lachland spoke in favor of the proposal, stating it is a good compromise between the parties and the money will be well spent to bring a permanent resolution to the issue.

Ann Cerney suggested getting the Planning Commission to weigh in on the matter and examining the legality involved with committing City funds in connection with a California Environmental Quality Act project requiring an environmental review. Mr. Schwabauer stated the City Council is considering approving an agreement to do an environmental review and not approving a project at this time.

In response to Mayor Pro Tempore Hansen, Mr. Herum stated the proposal allows and encourages property owners to cluster one unit per five acres in close proximity to one another in a manner which maximizes the agricultural area.

Council Member Johnson stated that, while he is supportive of the proposal, he is going to vote against the proposal because of uncertainty in the City budget and the State's reopening its budget.

Council Member Hitchcock made a motion, second by Mayor Mounce, to direct the City Manager to enter into a Memorandum of Understanding with the County of San Joaquin and provide a not to exceed amount of \$500,000 for the development of an Armstrong Road Agricultural/Cluster Zoning Classification in the unincorporated area south of Lodi, a half-mile north and south of Armstrong Road from Highway 99 to Interstate 5.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Mayor Mounce, and Council Member Katzakian

Noes: Council Member Johnson

Absent: None

K-2 Review of City's Annual Financial Report (Fiscal Year 2007-08) by Macias, Gini & O'Connell, LLP (CM)

City Manager King briefly introduced the subject matter of the City's annual financial report. Mr. King stated that, along with the Government Finance Officer's Award, the City received the annual report without reservations or qualifications.

Richard Green, partner in the accounting firm of Macias, Gini & O'Connell, specifically discussed the audit process for the report in the comprehensive annual financial report, the management letter, responsibility of independent auditors, management responsibility for internal controls, issuance of unqualified opinions indicating financial statements are prepared in accordance with standards, lack of any weaknesses, one minor observation, new accounting standards for pension done in accordance with standards, consistency with the process, good access, and no material change recommendations.

In response to Mayor Mounce, Mr. King stated the management letter had a comment regarding JD Edwards access and staff will continue to monitor and track access rights and bring forth a policy regarding the same. Mr. King stated the previous year's comment regarding password changes was incorporated.

In response to Mayor Mounce, Greg Matayoshi stated either an upgraded version or internal control mechanisms, or combination of both, will address the access recommendation.

In response to Mayor Mounce, Mr. King stated the auditors originally proposed the alarming of a specific room to protect electronic files. Mr. King stated the recommendation was addressed by offsite file storage.

In response to Mayor Mounce, Financial Services Manager Ruby Paiste confirmed that the current year is the first year for the capital asset module.

In response to Mayor Mounce, Mr. Matayoshi stated that, with respect to the individual who is doing upgrades and applications, managerial oversight and the specific person's capabilities lead to a certain degree of control, and while cross training was not specifically looked at, ideally it would be good.

In response to Council Member Johnson, Scott Brunner stated there are no concerns regarding a recurrence of the CalPers error from 2002, which was a unique one-time occurrence that appeared to be a result of oversight and some confusion.

In response to Council Member Hitchcock, Mr. Brunner stated the City taking some money out of the self-insurance fund will not necessarily reduce liability and as long as the City remains in the

positive with self-insurance, it will not affect the recommendations. Mr. Brunner stated they are fine with a reduction in that fund.

In response to Council Member Hitchcock, Mr. King stated that, with respect to federal transit indirect costs, referring to the in lieu for cost allocations, while the federal government may accept some type of indirect cost recovery, the focus is to recover direct costs for services and justification for enterprise funds.

In response to Mayor Pro Tempore Hansen, Mr. Brunner confirmed that the overall budget is open, proper procedures are utilized, and there are no hidden issues.

In response to Mayor Pro Tempore Hansen, Mr. Green and Mr. Brunner stated their reports vary from having none to several degrees of concerns and from insignificant to significant comments. Mr. Green stated the City is on the better end of the spectrum.

In response to Council Member Hitchcock, Mr. Green stated it is common to have firm name signed, rather than a specific individual, and the accountability remains the same.

In response to Mayor Pro Tempore Hansen, Mr. Green stated the weaknesses in internal controls are quite frequent and they just had a client with five material weaknesses in internal controls recently.

Council Member Hitchcock made a motion, second by Mayor Mounce, to receive and file the City's Annual Financial Report for the Fiscal Year 2007-2008 as presented by Macias, Gini & O'Connell.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson, Mayor Mounce, and Council Member Katzakian

Noes: None

Absent: None

K-3 Revise and Re-Adopt the Fiscal Year 2008-09 Budget (CM)

City Manager King provided a PowerPoint presentation regarding the revised fiscal year 2008-2009 budget. Mr. King specifically discussed 2008-2009 financial goals and targets, summary of revenue reductions, sales tax revenues by industry group, year to year general fund reductions, typical strategies for addressing financially difficult times, recommended adjustments to attain \$1.8 million, budgeted vacancy factor, transfers to special revenue funds, transit personnel in Public Works, general fund positions, savings in additional general fund expenditures, miscellaneous adjustments, vehicle replacement fund reduction, Budget and Finance Committee recommendations, and summary of proposed reductions.

In response to Council Member Hitchcock, Mr. King stated staff is confident in the levels of the actuarial studies, using good sources of information for sales and property tax estimates, and there will be budget review in January as well to make adjustments as necessary.

In response to Council Member Johnson, Mr. King stated they are doing an adjustment now because there is value in knowing and revising as soon as possible given the extraordinary times.

Council Member Johnson stated he cannot support the proposal currently because the City may need to make big decisions regarding Personnel at mid-year budget review. Mr. King stated this is the groundwork to the mid-year review and staff can only provide the best projections and do

what is necessary by continuing to monitor the budget.

In response to Mayor Pro Tempore Hansen, Mr. King stated normally the San Joaquin Partnership will send an invoice on July 1, the Lodi Tourism Business Improvement District (LTBID) sends a quarterly invoice, and the Downtown Lodi Business Partnership (DLBP) is an annual invoice. He confirmed after checking with Kirk Evans and Susan Bjork that the \$9,300 payment has not yet been made to DLBP.

In response to Council Member Katzakian, Mr. King stated the City's share of property tax comes shortly after the two payments are made, and sales tax information will be reported for the third quarter in the fourth quarter. Mr. King stated the City should receive the information in time for mid-year review.

Curt Juran spoke regarding Streets and Drainage contributions and reduced levels of staffing since 2003.

John Johnson reviewed briefly the recommendations of the Budget and Finance Committee, stating the Committee preferred to save the vehicle replacement fund in light of the City's deferred maintenance problem.

In response to Mayor Pro Tempore Hansen, Mr. King confirmed that the City is not eliminating the vehicle replacement fund, but only reducing the contribution leaving approximately \$575,000 in the fund.

Mayor Pro Tempore Hansen made a motion to temporarily suspend payments to DLBP, LTBID, Arts Grant Program, and San Joaquin Partnership. The motion failed for lack of a second.

Mayor Pro Tempore Hansen made a motion to temporarily suspend the \$104,000 transfer to street sweeping until the mid-year review. The motion failed for lack of a second.

Council Member Hitchcock made a motion, second by Mayor Mounce, to adopt Resolution No. 2008-231 revising the Fiscal Year 2008-09 Budget as recommended by the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Mayor Mounce, and Council Member Katzakian

Noes: Council Member Johnson

Absent: None

K-4 Approve Downtown Lodi Business Partnership 2008-09 Annual Report, Adopt Resolution of Intent to Levy Annual Assessment, and Set Public Hearing for December 17, 2008 (CM)

City Manager King briefly introduced the subject matter of the annual report for the Downtown Lodi Business Partnership (DLBP).

Jaime Watts, Executive Director, presented a PowerPoint presentation regarding the DLBP 2008 annual report. She specifically discussed what is the DLBP, funds overview, brand image campaign, downtown beautification, media relations, events in downtown area, Farmers Market, Annual Parade of Lights, community outreach, member benefits, and 2009 plans.

In response to Mayor Pro Tempore Hansen, Ms. Watts confirmed that the report is due by

September 1 of each year and there was a delay in providing the report.

In response to Mayor Pro Tempore Hansen, Ms. Watts stated in an effort to continually improve there is a regrouping after every event to determine what went right and wrong.

In response to Mayor Pro Tempore Hansen, Ms. Watts stated an economic committee is looking at additional funding, including grants and sponsorships.

In response to Mayor Pro Tempore Hansen, Ms. Watts confirmed that there was a \$3,500 theft in July 2008 for which the \$500 deductible will show in the 2008-2009 report.

In response to Mayor Mounce, Ms. Watts stated the DLBP would need to cut back on events if it did not receive some monetary assistance from the City. Ms. Mounce suggested the profit loss statements reflect the budget cycle for DLBP.

Randy Lipelt stated there are lights in boxes in the warehouse that may be donated to DLBP. Mr. King stated staff will find out about the details of the same.

Ann Cerney spoke in support of providing financial assistance to DLBP, of which she is a member, stating they provide a good service to the downtown area.

In response to Mayor Pro Tempore Hansen, Mr. King stated that, if the September 1 deadline set forth in the Streets and Highways Code is not met next year, the City Council may want to consider a three percent assessment.

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to approve DLBP 2008-09 Annual Report as submitted by the DLBP Board of Directors, adopt Resolution No. 2008-232 of Intent to levy annual assessment, and set public hearing for December 17, 2008.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson, Mayor Mounce, and Council Member Katzakian

Noes: None

Absent: None

K-5 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$113,250.26) (CA)

Mayor Mounce made a motion, second by Council Member Hitchcock, approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$113,250.26, as further detailed in the staff report.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Hansen, Council Member Hitchcock, Council Member Johnson, Mayor Mounce, and Council Member Katzakian

Noes: None

Absent: None

L. Ordinances - None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:00 p.m., in memory of Lee Ann Weigum.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 25, 2008**

The November 25, 2008, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept park bench and plaque donation from Mrs. Susan Brennan in honor of Mr. Bud Reller

MEETING DATE: December 3, 2008

PREPARED BY: Steve Dutra, Park Superintendent

RECOMMENDED ACTION: Accept a park bench and plaque donated from Mrs. Susan Brennan in honor of Mr. Bud Reller.

BACKGROUND INFORMATION: In September of this year, Mrs. Susan Brennan contacted the department to request a memorial bench project at Lodi Lake Park in memory of her brother, Mr. Bud Reller, who was a past Lodi Lake Docent and active member of the community. Mrs. Brennan was provided a copy of the current Memorial Park Bench and Tree Policy and additional information related to her request. On October 9, 2008, the department received correspondence from Mrs. Brennan confirming the installation of the memorial bench. If approved, the new park bench with plaque will be installed in the Lodi Lake Park Rotary Area.

On November 6, 2008, this request was presented to the Park and Recreation Commission. The Commission unanimously approved this project and recommended that staff forward this request to Council.

FISCAL IMPACT: Requester will provide the necessary funding to support this request including materials and labor.

FUNDING AVAILABLE: All funding will be provided by the requester.

James M. Rodems
Interim Parks and Recreation Director

JMR\SD:tl

cc: City Attorney

APPROVED: _____
Blair King, City Manager

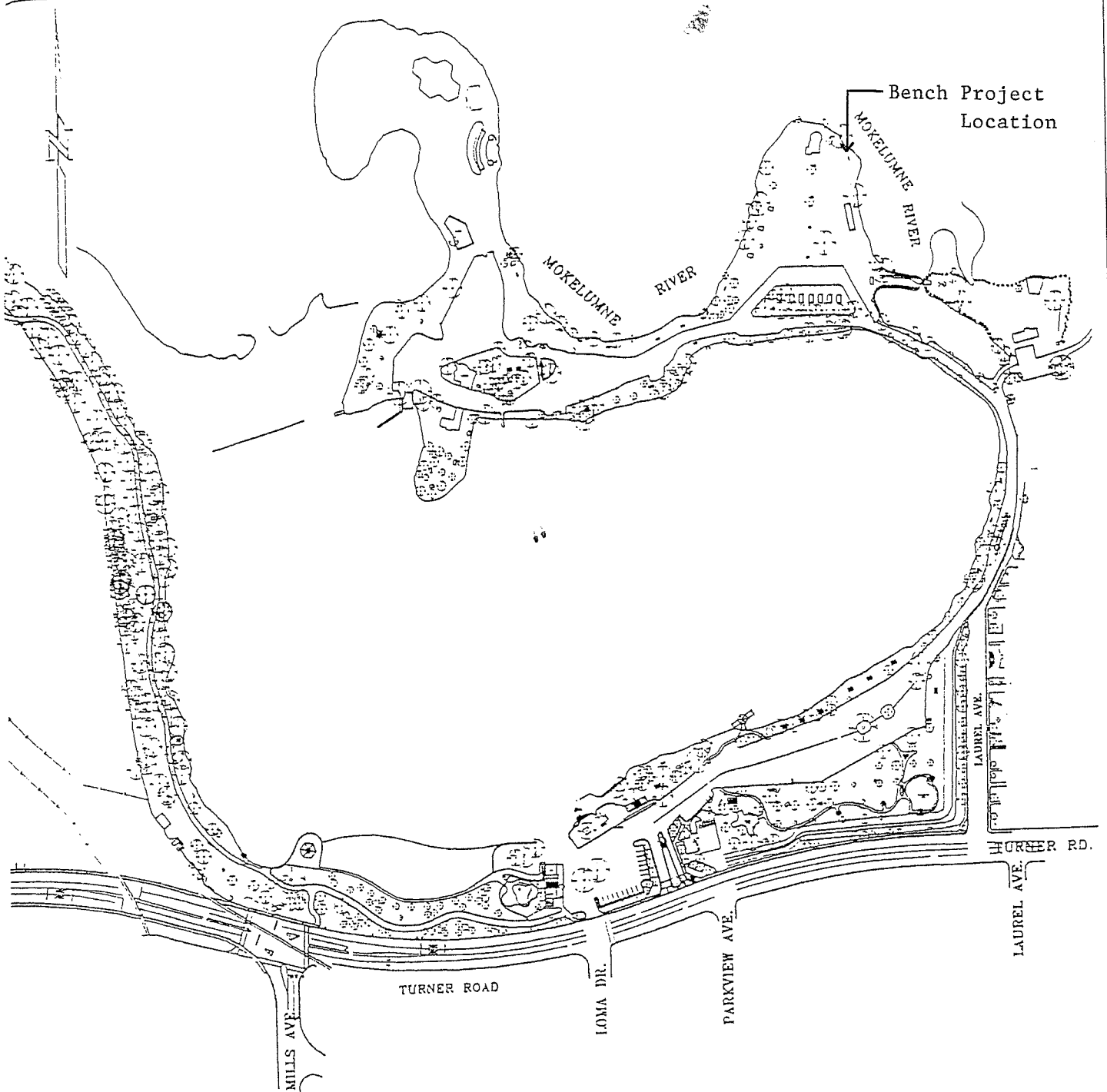


CITY OF LODI

PARKS DEPARTMENT

Lodi Lake Park

1101 W. Turner Rd.



**6' PERFORATED STYLE
BENCH WITH BACK
INGROUND MOUNT DESIGN**



Sample bench style by:

WEBCOAT PRODUCTS
P.O. BOX 3160
McALESTER, OKLAHOMA 74501
1-800-505-5101
FAX: (918)426-5924
E-MAIL: WEBCOAT@WEBCOAT.COM



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Transformer Testing Services at McLane Substation to Waukesha Electric Systems, Inc. of Waukesha, Wisconsin (\$25,670) and Authorize the City Manager to Approve Change Orders for Any Needed Repairs (EUD)

MEETING DATE: December 3, 2008

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution awarding transformer testing services at McLane Substation to Waukesha Electric Systems, Inc. (Waukesha) of Waukesha, Wisconsin and authorize the City Manager to approve change orders for needed repairs identified.

BACKGROUND INFORMATION: On September 3, 2008, the City Council approved the request for proposal (RFP) for services to perform inspection, adjustments, and maintenance tests of two power transformers and load tap changers in McLane Substation.

Four transformer service companies requested RFP documents and two proposals were received on October 1, 2008 with the following results:

Waukesha Electric Systems, Inc.	\$25,670
Transformer Services, Inc.	\$26,410
Western Utilities Transformer Service	No Bid
Geo. E. Honn Company, Inc.	No Bid

Staff believes that Waukesha's bid is reasonable from pricing and technical standpoints. The engineering estimate for this work is \$40,000.

Waukesha provides total substation maintenance solutions from 480V to 765kV and is focused on maintaining the performance quality, reliability and life of transformers, load tap changers, breakers and other components throughout the electric power system. It has extensive knowledge, expertise and resources for substation facility maintenance services. Waukesha performed the maintenance tests and change-order repairs of two power transformers at the Industrial Substation in September 2007 for a total cost of \$42,556.

During the maintenance test and inspection, damaged and worn out electrical parts, mechanical linkages and components will likely become apparent that require repairs and replacements to enhance the functionality of the power transformers. These fixes need to be done immediately while the equipment is disassembled, de-energized and minimize exposure to potential inclement weather conditions that will affect completion of repair work. Time is of the essence for this job. Authorizing the City Manager to approve future change orders would hasten processes as well as ensure continuity of repair works and increase efficiency and effectiveness.

It has been five years since complete maintenance tests were performed on the McLane Substation transformers which is a longer timeframe than standard industry practice. Staff therefore recommends that the City Council award the transformer maintenance services to Waukesha Electric Systems, Inc. and also authorize the City Manager to approve future change orders for any identified transformer repairs. Staff will provide a summary of any change orders as part of the maintenance service completion report.

APPROVED: _____
Blair King, City Manager

Adopt Resolution Awarding Transformer Testing services at McLane Substation to Waukesha Electric Systems, Inc. of Waukesha, Wisconsin (\$25,670) and Authorize the City Manager to Approve Change Orders for Any Needed Repairs (EUD)
December 3, 2008
Page 2 of 2

FISCAL IMPACT: Base cost is \$25,670 plus actual cost of any needed replacement parts (estimated at \$15,000).

FUNDING AVAILABLE: Account No. 160652.7323 Substation Maintenance.

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Assistant Electric Utility Director

GFM/DB/lst

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
TRANSFORMER TESTING SERVICES AT MCLANE
SUBSTATION AND AUTHORIZE THE CITY MANAGER TO
APPROVE CHANGE ORDERS FOR NEEDED REPAIRS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed proposals were received and publicly opened on October 1, 2008 at 11:00 a.m., for the maintenance of two power transformers at McLane Substation, described in the request for proposal therefore approved by the City Council on December 3, 2008; and

WHEREAS, said proposals have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

Waukesha Electric Systems, Inc.	\$25,670
Transformer Services, Inc.	\$26,410
Western Utilities Transformer Service	No Bid
Geo. E. Honn Company, Inc.	No Bid

WHEREAS, damaged and worn out electrical parts, mechanical linkages and components would likely become apparent that require repairs and replacements to enhance the functionality of the power transformers;

WHEREAS, authorization for the City Manager to approve future change orders for these repairs and replacements would hasten processes, insure continuity of repair works, increase efficiency and cost effectiveness;

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the award of transformer testing services to Waukesha Electric Systems, Inc. of Waukesha, WI, in the amount of \$25,670 and authorizes the City Manager to approve future change orders for identified transformer repairs.

Dated: December 3, 2008

=====

I hereby certify that Resolution No. 2008-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 3, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2008-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ratification of Employment Agreement Entered into Between City Manager Blair King and Deputy City Manager/Internal Services Director Jordan V. Ayers

MEETING DATE: December 3, 2008

PREPARED BY: City Manager

RECOMMENDED ACTION: Adopt Resolution ratifying the terms of the employment agreement entered into between City Manager and Deputy City Manager/Internal Services Director Jordan V. Ayers.

BACKGROUND INFORMATION: Lodi Municipal Code Section 2.12.060 vests with the City Manager the power to select subordinate staff. The Deputy City Manager/Internal Services Director position has been vacant since July 3, 2008 with the departure of James Krueger. As a result of an open and competitive selection process, the City Manager has selected Jordan Ayers to fill the vacancy created with Mr. Krueger's departure.

The City Manager wishes to provide Mr. Ayers with certain terms and conditions related to employment that extend beyond the Manager's authority and therefore require ratification by the City Council.

The proposed agreement is an "at-will" agreement and contains a base salary of \$145,000 annually, six month severance payment for termination other than cause, a one-time 15 day sick and vacation leave bank that will expire within 12 months, vacation accrual at 15 days per year, and benefits similar to what other executive management and regular City employees enjoy.

FISCAL IMPACT: Although this position has been vacant for approximately five and a half months, it has been budgeted for a full 12 months at approximately \$125,000.

Blair King
City Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY COUNCIL
RATIFYING THE EMPLOYMENT AGREEMENT
BETWEEN THE CITY MANAGER AND DEPUTY
CITY MANAGER/INTERNAL SERVICES
DIRECTOR JORDAN V. AYERS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby Ratify the Employment Agreement entered into between the City Manager and Deputy City Manager/Internal Services Director Jordan V. Ayers, as shown on Exhibit A attached.

Date: December 3, 2008

=====

I hereby certify that Resolution No. 2008-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 3, 2008, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2008-_____

EMPLOYMENT AGREEMENT

Executive Management Exempt Service

Deputy City Manager/Internal Services Director

THIS AGREEMENT is entered into on _____, 2008, by and between the CITY OF LODI, a municipal corporation (hereinafter referred to as "City") and Jordan V. Ayers, an individual (hereinafter referred to as "Employee").

WHEREAS, City desires to employ the services of Employee as Deputy City Manager/Internal Services Director; and

WHEREAS, Employee desires to serve as Deputy City Manager/Internal Services Director for the City beginning December 15, 2008; and

WHEREAS, City and Employee agree in writing to the terms and conditions of employment as Deputy City Manager/ Internal Services Director; and

WHEREAS, Employee and City agree and acknowledge that Employee's employment as Deputy City Manager/Internal Services Director is his sole and exclusive employment with City, and that their employment relationship is governed solely and exclusively by this Agreement.

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

1. **Employment:** City agrees to employ Employee as Deputy City Manager/Internal Services Director, in accordance with the following provisions:

(a) Employee shall serve as Deputy City Manager/ Internal Services Director, and shall be responsible for managing and directing the operations of the Budget, Financial Services, Human Resources and Information Systems Divisions of the City Manager's Office.

(b) Employee shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by the City.

(c) Employee shall not engage in any activity which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law. Employee shall comply fully with his reporting and disclosure obligations under regulations promulgated by the Fair Political Practices Commission (FPPC).

(d) Employee agrees to remain in the exclusive employ of the City during the term of this Agreement. Employee shall dedicate his full energies and qualifications to his employment as Deputy City Manager/ Internal Services Director, and shall not engage in any other employment except as may be specifically approved in writing in advance by the City Manager.

2. **Maintenance of Professional Expertise:** To promote continued professional growth and benefit to the City, Employee shall, at City expense and consistent with budgetary constraints: maintain professional licenses and certifications, maintain membership in professional organizations related to finance and administration and related professional disciplines; attend workshops, seminars and other similar activities designed to advance Employee's professional development; and, represent the City in professional associations and other organizations.

3. **Separation:**

(a) Resignation – In the event Employee terminates this agreement by voluntary resignation of his position with the City, Employee shall not be entitled to severance pay otherwise provided in Section 5 of this contract. In the event Employee voluntarily resigns his position with City, he shall give City at least forty-five (45) days advance written notice and shall be entitled to all earned salary and vacation leave.

(b) Termination & Removal – The parties recognize and affirm that Employee may be terminated by the City Manager with cause, which shall mean gross insubordination, incapacity, dereliction of duty, conviction of any felony or any crime involving acts of moral turpitude or involving personal gain to him, or material breach of this Agreement. In such event, Employee shall not be entitled to severance pay as provided in Paragraph 5 herein.

(c) The parties recognize and affirm that Employee may be terminated by the City Manager without cause. In such event, Employee shall be entitled to severance pay as provided in Paragraph 5 herein.

(d) In the event of termination and in recognition of Employee's professional status and integrity, Employee and the City Manager shall prepare a joint public statement to be made by the City Manager. This employment relationship is based on the mutual respect between the parties and a desire to maintain the highest degree of professionalism. In communicating with third parties about the parties' employment relationship and the circumstances under which it may have been severed, the parties shall (a) protect and advance their mutual respect and professionalism, and (b) refrain from making statements that would negatively impact either party.

4. **EMPLOYMENT TERM:**

(a) Employee is an "at will" employee and shall serve at the pleasure of the City Manager.

(b) Except as provided in Section 3, nothing in this Agreement shall prevent, limit or otherwise interfere with the rights of the City Manager to terminate the services of Employee.

(c) Except as provided in Section 3 of this Agreement, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of employee to resign at any time from his position as Deputy City Manager/Internal Services Director.

5. **Severance Pay:** If Employee is terminated by the City Manager without cause while still willing and able to perform the duties of Deputy City Manager/ Internal Services Director, City agrees to pay Employee a cash payment equal to six (6) months' aggregate salary and the City's cost of six (6) months' health insurance benefits (no other benefits will be accrued or converted to a cash equivalent) subject to reduction as set forth in this Paragraph 5. The

severance payment will be paid in installments coinciding with the City's regular paydays during the severance period and subject to customary withholdings. In the event Employee retains new employment during the six-month severance period, any remaining severance payment will be forfeited as of the date Employee begins his new employment. To be eligible for such severance pay, Employee shall fulfill all of his obligations under this Agreement, and shall sign an Acknowledgment and Release of Claims against the City in a form acceptable to the City Attorney. Payment under this Paragraph 5 will release City from any further obligations under this Agreement, or any other transaction between the parties.

6. **Employment as Department Head is Sole Employment with City:** Employee further represents and acknowledges that his employment as Deputy City Manager/ Internal Services Director is his sole and exclusive employment with the City. Employee has no right to any other exempt position with the City or to any employment in the classified service.

7. **Salary:** City agrees to pay Employee \$145,000 in salary per annum for his services, payable in installments at the same time as other employees of the City are paid and subject to customary withholding. In accordance with Section 9 of this contract, the City Manager may grant an increase subject to performance and city resources.

8. **Benefits:** The City shall provide Employee the same benefits as provided to management employees in accordance with the terms of the Executive Management Statement of Benefits dated 1998 and as they may be amended, increased or decreased, except as modified herein. Except as provided herein, these are the sole and exclusive benefits to be provided to Employee. Any improvement or modification of such benefits may only be made by written instrument signed by the City Manager. As used herein, benefits include, but are not limited to: sick leave, holidays, administrative leave, retirement, vision insurance, health insurance, dental insurance, long-term disability insurance and life insurance. Employee's vacation leave shall be 15 days per year, equivalent to six years of service, future vacation leave shall be earned according to the Executive Management Statement of Benefits, with the sixth year of service equal the 12th, the ninth year equal to the 15th year and so on. In addition, Employee shall be granted a one-time 15 day vacation/sick leave Bank that can only be used during Employee's first 12 months of employment. This Bank shall expire upon Employee's first anniversary with the City. During Employee's first year regular vacation will be accrued on top of the vacation bank. Employee may participate in City's deferred compensation program. City contributes up to a maximum of three percent (3%) of base salary.

9. **Performance Evaluation:** The City Manager shall review and evaluate the performance of Employee each year and set goals and objectives for the ensuing year. Such review and evaluation shall be in accordance with specific criteria developed in the performance plan in consultation with Employee and the City Manager.

10. **Assignment:** Employee shall not assign any of the duties and responsibilities, or obligations of this Agreement except with the express written consent of the City Manager.

11. **Authority to Work in the United States:** Employee represents, under penalty of perjury, that he is authorized to work in the United States. In accordance with §274A (8 USC 1324) of the Immigration Reform and Control Act of 1986 before this Agreement can become effective, Employee must provide documentary evidence to City consistent with the Act, that he is legally entitled to work in the United States, and must execute the verification required by that Act.

12. **Cell Phone:** Employee will be provided with a Cell Phone for employment related use at the City's expense on terms consistent with other Executive Managers.

13. **Notice:** All notices required herein shall be sent first class mail to the parties as follows:

To **CITY:** Blair King, City Manager
City of Lodi
P. O. Box 3006
Lodi, CA 95241-1910

To **EMPLOYEE:** Jordan V. Ayers
2448 El Burlon Cr
Rancho Cordova, CA 95670

Notice shall be deemed effectively served upon deposit in the United States mail.

14. **Entire Agreement:** This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied on by any party hereto. This Agreement may only be amended by written instrument signed by Employee and the City Manager and specifically approved by the City Council in open session.

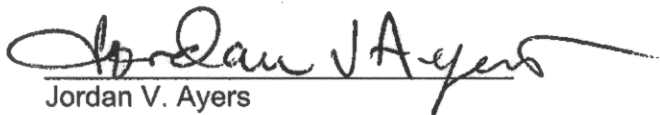
15. **Severability:** If any provision of this Agreement is invalid or unenforceable, it shall be considered deleted herefrom and the remainder of this Agreement shall be unaffected and shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year written above.

CITY OF LODI, a municipal corporation

EMPLOYEE

Blair King
City Manager


Jordan V. Ayers

Attest:

By: _____
Randi Johl, J.D.
City Clerk

APPROVED AS TO FORM:

D. Stephen Schwabauer
City Attorney

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointment to the Lodi Arts Commission

MEETING DATE: December 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Concur with the Mayor's recommended appointment to the Lodi Arts Commission.

BACKGROUND INFORMATION: On October 1, 2008, the City Council directed the City Clerk to post for one vacancy on the Lodi Arts Commission. The Mayor has reviewed the applications and made her selection. It is, therefore, recommended that the City Council concur with the following appointment.

Lodi Arts Commission

Kathi Medford

Term to expire July 1, 2011

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for One Vacancy on the Lodi Improvement Committee

MEETING DATE: December 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for one vacancy on the Lodi Improvement Committee.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation from Lodi Improvement Committee member, Virginia Snyder. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancy below.

Lodi Improvement Committee

Virginia Snyder Term to expire March 1, 2011

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Certifying the Election Results of the November 4, 2008, General Municipal Election and Adopt Resolutions Reorganizing the Lodi City Council

MEETING DATE: December 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Adopt resolution certifying the election results of the November 4, 2008, General Municipal Election in accordance with California Elections Code §10262. Following the certification of the election, pursuant to Lodi Municipal Code §2.04.070, adopt resolutions reorganizing the Lodi City Council by electing a Mayor and Mayor Pro Tempore.

BACKGROUND INFORMATION: The San Joaquin County Registrar of Voters office is in the process of completing the canvass of election, and the certification of the results will be sent to the City Clerk's office via facsimile prior to the December 3 Council meeting. The certification will be forwarded to the City Council on blue sheet and attached to the accompanying resolution as Exhibit A.

Following adoption of the resolution certifying the election results, the reorganization of the City Council will take place as follows:

- Presentation to outgoing Mayor by City Manager.
- In accordance with California Elections Code §10265, the City Clerk will administer the Oath of Office to Lodi City Council Members Elect Bob Johnson and JoAnne Mounce and present Certificates of Election.
- The City Clerk will then conduct the election for the office of Mayor.
- Following the election, the City Clerk will hand the gavel to the newly elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.
- The newly elected Mayor will then conduct the remaining business on the agenda and adjourn the meeting.

FUNDING: None required.

Randi Johl, City Clerk

APPROVED: _____

Blair King, City Manager

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,
CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION
HELD ON NOVEMBER 4, 2008, DECLARING THE RESULT AND
SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Lodi, California, on Tuesday, November 4, 2008, as required by law; and

WHEREAS, notice of the election was given in time, form, and manner as provided by law; that candidates were nominated to fill the vacancy or vacancies as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received, and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the laws of the State of California relating to general law cities; and

WHEREAS, pursuant to State statute, the San Joaquin County Registrar of Voters' Office canvassed the returns of the election and has certified the results to this City Council; the results are received, attached, and made a part hereof as "Exhibit A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS SHOWN ON EXHIBIT A:

SECTION 1. That the total whole number of ballots cast in the City was _____.

That the names of persons voted for at the election for Member, City Council are as follows:

Kelly Bates
Cliff DeBaugh
Bob Johnson
Roger Khan
JoAnne Mounce

SECTION 2. That the number of votes given at each precinct and the number of votes given in the City to each of the persons named above for the respective offices, for which the persons were candidates, and for and against each measure named above is as listed in the attached Exhibit A.

SECTION 3. The City Council does declare and determine that JoAnne Mounce was elected as Council Member for the full term of four years and Bob Johnson was elected as Council Member for the full term of four years.

SECTION 4. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) the whole number of votes (ballots) cast in the City; (2) the names of the persons voted for; (3) the measure voted upon; (4) for what office each person was voted for; (5) the number of votes given at each precinct to each person and for and against the measures; and (6) the total number of votes given to each person and for and against the measure. Said information is set forth in this Resolution and the documentation attached hereto as Exhibit A.

SECTION 5. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: December 3, 2008

I hereby certify that Resolution No. 2008-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 3, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2008-_____

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY
COUNCIL CONFIRMING THE ELECTION
OF THE MAYOR

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 3, 2008, _____ was elected to serve as Mayor for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2008-_____ is hereby adopted confirming the election of _____ as Mayor of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 3, 2008

I hereby certify that Resolution No. 2008-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 3, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2008-_____

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY
COUNCIL CONFIRMING THE ELECTION OF
THE MAYOR PRO TEMPORE

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 3, 2008, _____ was elected to serve as Mayor Pro Tempore for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2008-_____ is hereby adopted confirming the election of _____ as Mayor Pro Tempore of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 3, 2008

I hereby certify that Resolution No. 2008-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 3, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2008-_____